

AG:JO
F.#2009R00152

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ APR 27 2009 ★

BROOKLYN OFFICE

UNITED STATES OF AMERICA

- against -

ROBERT SCHARFF,
also known as "Rodney,"
Defendant.

I N D I C T M E N T

CR 09 263

(F. 19, U.S.C., ss
2251(a), 2251(e),
2252(a)(2),
2252(a)(4)(B),
2252(b)(2), 2252(b)(1),
2253 and 3551 et seq.)

IRIZARRY, J.

THE GRAND JURY CHARGES:

COUNTS ONE THROUGH FIFTEEN
(Production of Child Pornography)

REYES, M.J

1. On or about and between January 1, 2008 and January 31, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ROBERT SCHARFF, also known as "Rodney," did knowingly and intentionally employ, use, persuade, induce, entice, and coerce one or more minors to engage in, and had one or more minors assist another person to engage in, sexually explicit conduct, for the purpose of producing a visual depiction of such conduct as described below, which visual depiction was produced using materials that had been mailed, shipped and transported in interstate and foreign commerce and which was actually transported in interstate commerce:

<u>COUNT</u>	<u>FILENAME</u>	<u>DESCRIPTION</u>
1	sspx0061.jpg	Exhibition of naked minor child
2	sspx0064.jpg	Exhibition of genitals of minor child
3	sspx0078.jpg	Contact between hand and genitals and pubic area of a minor child
4	sspx0080.jpg	Contact between hand and genitals and pubic area of a minor child
5	sspx0084.jpg	Contact between mouth of a minor child and the breasts of another minor child
6	sspx0088.jpg	Contact between mouth of a minor child and the breast of another minor child
7	sspx0089.jpg	Contact between mouth of a minor child and the breast of another minor child
8	sspx0092.jpg	Contact between mouth and hand of a minor child and the breasts of another minor child
9	sspx0095.jpg	Contact between mouth and hand of a minor child and the breasts of another minor child
10	sspx0194.jpg	Contact between mouth of a minor child and the breast of another minor child
11	sspx0196.jpg	Contact between mouth of a minor child and the breast of another minor child
12	sspx0202.jpg	Contact between two hands and the genitals of a minor child
13	sspx0203.jpg	Contact between two hands and the genitals of a minor child
14	sspx0206.jpg	Oral intercourse of minor child with genitals and pubic area of another minor child

<u>COUNT</u>	<u>FILENAME</u>	<u>DESCRIPTION</u>
15	sspx0213.jpg	Oral intercourse of minor child with genitals and pubic area of another minor child (Title 18, United States Code, Sections 2251(a), 2251(e) and 3551 <u>et seq.</u>)

COUNTS SIXTEEN THROUGH THIRTY
(Receipt of Child Pornography)

2. On or about and between January 1, 2008 and January 31, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ROBERT SCHARFF, also known as "Rodney," did knowingly and intentionally receive a visual depiction, which had been mailed, and had been shipped and transported in interstate and foreign commerce, and which contained materials which had been mailed and so shipped and transported, the production of which visual depiction involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, to wit:

<u>COUNT</u>	<u>FILENAME</u>	<u>DESCRIPTION</u>
16	sspx0061.jpg	Exhibition of naked minor child
17	sspx0064.jpg	Exhibition of genitals of minor child
18	sspx0078.jpg	Contact between hand and genitals and pubic area of a minor child
19	sspx0080.jpg	Contact between hand and genitals and pubic area of a minor child

<u>COUNT</u>	<u>FILENAME</u>	<u>DESCRIPTION</u>
20	sspx0084.jpg	Contact between mouth of a minor child and the breasts of another minor child
21	sspx0088.jpg	Contact between mouth of a minor child and the breast of another minor child
22	sspx0089.jpg	Contact between mouth of a minor child and the breast of another minor child
23	sspx0092.jpg	Contact between mouth and hand of a minor child and the breasts of another minor child
24	sspx0095.jpg	Contact between mouth and hand of a minor child and the breasts of another minor child
25	sspx0194.jpg	Contact between mouth of a minor child and the breast of another minor child
26	sspx0196.jpg	Contact between mouth of a minor child and the breast of another minor child
27	sspx0202.jpg	Contact between two hands and the genitals of a minor child
28	sspx0203.jpg	Contact between two hands and the genitals of a minor child
29	sspx0206.jpg	Oral intercourse of minor child with genitals and pubic area of another minor child
30	sspx0213.jpg	Oral intercourse of minor child with genitals and pubic area of another minor child

(Title 18, United States Code, Sections 2252(a)(2),
2252(b)(1) and 3551 et seq.)

COUNT THIRTY-ONE
(Possession of Child Pornography)

3. On or about January 23, 2009, within the Eastern District of New York and elsewhere, the defendant ROBERT SCHARFF, also known as "Rodney," did knowingly and intentionally possess matter which contained one or more visual depictions, to wit: videos and still images in computer files on (a) Hewlett Packard Pavilion Desktop, containing a 200 gigabyte hard drive, Serial No. CNH6090M4Y; (b) E-Machine Desktop, Model No. T5224, containing a 250 gigabyte hard drive, Serial No. CCV71E0009089; and (c) Black 4 gigabyte hard drive, which had been mailed, and had been shipped and transported in interstate and foreign commerce, and which was produced using materials which had been mailed and so shipped and transported, and the production of such visual depiction involved the use of one or more minors engaging in sexually explicit conduct and which visual depiction was of such conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

4. The United States hereby gives notice to the defendant charged in Counts One through Thirty-One that, upon his conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 2253, of (a) any visual depiction described in Section

2251, 2251A, 2252, 2252A, 2252B or 2260 of Title 18, United States Code, and any book, magazine, periodical, film, videotape, and other matter produced, transported, mailed, shipped and received in violation of the offenses of conviction; (b) any property, real and personal, constituting or traceable to gross profits and other proceeds obtained from such offenses; and (c) any property, real and personal, used or intended to be used to commit or to promote the commission of the offenses of conviction.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

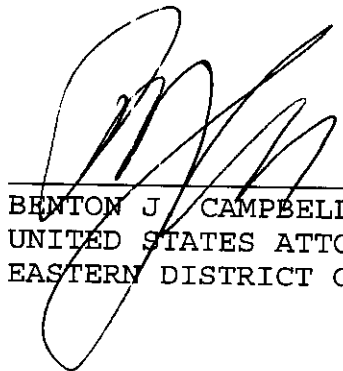
e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 2253)

A TRUE BILL


FOREPERSON


BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No.

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

ROBERT SCHARFF

Defendant.

INDICTMENT

(T. 18, U.S.C. § 2251(a), 2251(e), 2252(a)(2), 2252(a)(4)(B), 2252(b)(2), 2252(b)(1), 2253 and 3551 et seq..)

A true bill
William W. Adams

Foreman

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Jessica Ortiz, Special Assistant U.S. Attorney (212-637-2398)